

10th JUDICIAL CIRCUIT APPLICATION FOR SEARCH WARRANT

I, the undersigned Affiant, hereby make application for the issuance of a Search Warrant and, in support of this application, state under oath as follows:

1. My name is: Det. Mark McCray #6711
2. My place of employment is: Polk County Sheriff's Office
3. My occupation is: Detective
4. The person/place/thing to be searched is: iPhone 7 Plus and Gigaset Computer Tablet and:
 - (1) Is being used for the unlawful sale, possession, or manufacture of intoxicating liquor.
 - (2) Stolen or embezzled property is contained therein.
 - (3) Is being used to carry on gambling.
 - (4) Is being used to perpetrate frauds and swindles.
 - (5) The law relating to narcotics or drug abuse is being violated therein.
 - (6) A weapon, instrumentality, or means by which a felony has been committed is contained therein.
 - x (7) Evidence relevant to proving that a felony has been committed is contained therein.
 - (8) Or as otherwise provided in Chapter 933.02 Florida Statute (Non-Dwelling) or Chapter 933.18 Florida Statute (Dwelling):
5. Attached hereto as an exhibit and specifically made a part hereof is a particular description of the property to be searched for and, if found, seized.
6. Attached hereto as an exhibit and specifically made a part hereof is a particular description of the person/place/thing to be searched.
7. The name of the person to be searched or who owns/occupies said place/thing is:
James Royal Patrick, Jr.
8. Attached hereto as an exhibit and specifically made a part hereof is a statement constituting probable cause for the issuance of the Search Warrant, which said facts this affiant believes to be true.

Det. Mark McCray #6711

10/12/2018 | 11:20 AM EDT

Affiant:

Det. Mark McCray #6711

Is this Search Warrant Application to
request information from a Cellular Phone
Service or Social Media Provider?

STATE OF FLORIDA
COUNTY OF POLK

Yes:

No: x

This day, one Det. Mark McCray #6711, who being first duly sworn, deposes and says that he/she is the person named as affiant in, and who executed the above and foregoing Application for Search Warrant and the exhibits hereto, and that each and every allegation contained in said Application for Search Warrant and the exhibits thereto is true and correct, except as to matters which are alleged on information and belief, as to such matters he/she believes them to be true.

Sworn to and subscribed before me on

10/12/2018 | 11:35 AM EDT

Det. J. Wiertel #7701

Det. J. Wiertel #7701

Notary Public or Law Enforcement Officer:

WDS

SEARCH WARRANT

TO: 1. The Sheriff of Polk County, Florida, the Sheriff's authorized agents and all other law enforcement officers, including but not limited to:

2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

I, the undersigned Judge so hereby certify that:

1. Application has this day been made to me for the issuance of a Search Warrant.
2. Said application is duly subscribed and sworn to.
3. Said application particularly describes:
 - a) The person, places, thing or things to be searched,
 - b) The thing or things to be seized,
 - c) The nature of the evidence to be obtained, and sets forth the facts tending to establish grounds of said application and the probable cause for believing that such grounds exist.
4. I have examined said application and proof submitted to me, and I am satisfied that probable cause exists for the issuance of the Search Warrant.
5. The person(s), place(s), or thing(s) to be searched for and the person(s) or thing(s) to be seized are described in the attachment hereto, which is hereby made a part hereof.

NOW, THEREFORE, you or either of you with such lawful assistance as may be necessary, are hereby commanded, in the daytime, nighttime or on Sunday as the exigencies of the situation may require:


- 1) to search the afore described person(s) or thing(s),
- 2) to enter and search the afore described place and premises together with the yard and curtilage thereof, and any and all outbuildings and vehicles thereon, and
- 3) to search any persons on said premises reasonably believed to be connected with the said illegal activity.

For the property described in the attachment hereto and if the same or any part thereof be found, you are hereby authorized to seize and secure same, giving proper receipt therefore and delivering a completed copy of this warrant:

- 1) to the individual from whose person the property was taken, or
- 2) to the person in charge of the premises or thing, or in the absence of any such person, leaving a completed copy where the property is found, and

making a return of your doings under this warrant within ten (10) days of the date hereof, and you are further directed to bring said property so found and any person arrested in connection therewith before the Court having jurisdiction of the offense.

Witness my hand seal on 10/12/2018 | 11:55 AM EDT



 Judge of the _____ Circuit _____ Court
 in and for Polk _____ County, Florida.



William Sites

DESCRIPTION OF PROPERTY TO BE SEARCHED FOR:

Archived, saved or stored phone numbers, voicemail, electronic mail, text messages or photographs saved on the cellular phone's and/or tablet's storage media files or other internal storage devices that contains information regarding bank account(s), personal information of any person(s), and/or any other information stored therein relevant to a violation of F.S.S. 836.10, 775.30 and 775.31.

Any files that contain information saved in the cellular phone's and/or tablet's Settings, User Information, Contact Lists, Recent Calls, Missed Calls, Calls Received, Incoming or Outgoing Text Messages or any other information stored in said phone and/or tablet regarding any person(s) and/or any information detailing monetary transaction(s) relevant to a violation of F.S.S. 836.10, 775.30 and 775.31.

Any files that contain information saved in the cellular phone and/or tablet pertaining to social platforms to include, but not limited to, Social Media Sites, posts, comments, photos, videos, friends lists, places visited, sites visited and/or any information contained within the social platforms relevant to a violation of F.S.S. 836.10, 775.30 and 775.31.

Cloud storage areas allow users to automatically backup and/or sync digital data between all digital devices in the control of the user. Application data is also stored and/or synced between digital devices and social media/networking accounts. When a user of a cloud storage area (i.e. Google Drive) and/or a social media/network application (i.e. Facebook) downloads the app onto the digital device the username & password are commonly stored on the device and allow the device to automatically connect to the social media account site or the cloud storage area. When the digital device is analyzed, it is possible to retrieve the account information (username & password). Thus, the analyst has access to data, not stored on the device, but stored in the cloud storage areas and it is possible in a controlled lab to extract the data from the social media/network servers and/or cloud storage areas. For example: Facebook messages are not stored on the digital device but are retrievable from the user account on the Facebook servers.

The forensic examination of a cellular phone, computer tablet or other electronic device is a time consuming process. An exam can take several days, even weeks. Specialized hardware and software tools are needed to process the electronic device.

SHM#

BC

WDS

DESCRIPTION OF PLACE/ PERSON/ THING TO BE SEARCHED:

Black Apple iPhone 7 Plus, Model #1661, FCC ID #BCG-E3087A, IC #579C-E3087A

Black Gigaset Computer Tablet Model #QV830, Serial #U8A2044H08ZH

x

SHM#

BC

WDS

STATEMENTS OF FACTS CONSTITUTING PROBABLE CAUSE:

Your affiant, Mark McCray, is a duly appointed law enforcement official employed by the Polk County, Florida Sheriff's Office, and has been so employed since 2007. Your affiant is currently a Detective with the Bureau of Special Investigations, Intelligence Unit, and has been a Detective for approximately six (6) years. Your affiant has been involved in numerous criminal investigations and has authored numerous search warrants.

The felony involved in this search warrant is Written Threats to Kill or do Bodily Injury Furthering Terrorism, F.S.S. 836.10, 775.30 and 775.31 (1st Degree Felony, Level 7).

On 10/3/2018 at approximately 1100 hours, I received an e-mail tip advising a subject had made numerous threatening remarks on his Facebook account. I was provided with a link to the account, <https://www.facebook.com/james.patrick.927543>. The name on the account is James Patrick. I accessed the account and observed numerous threatening posts. The threats were made toward office holders of the Democratic Party as well as local and federal law enforcement officers/agencies. The threats began during the month of September 2018.

The threats included the following statements: "Just bought 12 boxes of hollow point 50 caliber bullets...have plenty of ammo for my sniper rifle and bought a suppressor Have made extra precautions and added more supplies in the tunnel under my house in case local or federal law enforcement tries to stop me." "Getting ready if Kavanaugh is not confirmed.....whoever I think is to blame, may God have mercy on their souls. Just cleaned out the gun shop where I get guns, ammo and target practice. Bought all their 50 caliber hollow points. I expect to be confronted and I will be ready to kill and ready to die." It is all I think about night and day. I even wake up in the middle of the night, most nights, thinking about it. Ultimately I will be killed but hopefully I will have killed many, many liberal elected in Washington."

SAM#

BC

WDC

STATEMENTS OF FACTS CONSTITUTING PROBABLE CAUSE:
Continuation

While viewing the Facebook account, I observed several photos of "James Patrick" as well as several photos of guns and ammunition. He also had several photos of his vehicles and several photos of his residence. Through further investigation, I was able to determine the Facebook account belongs to James Royal Patrick, Jr.

I determined James Royal Patrick, Jr had intentionally composed and sent electronic communications containing threats to kill Democratic Office Holders, members of their families and members of both local and federal law enforcement agencies. His threats described multiple victims and were interpreted as potential acts of terrorism.

James Royal Patrick, Jr. was arrested on 10/3/2018 at approximately 1555 hours. Post Miranda, James Royal Patrick, Jr. advised he had posted the threats on his Facebook account and had primarily used his cell phone to access and update his Facebook account. His cell phone was in his possession at the time of his arrest. His cell phone was secured and entered into Evidence.

Further investigation revealed James Royal Patrick, Jr. had also posted similar threatening comments on the pages of other Facebook Users. One such comment was posted on 9/18/2018 on the Facebook page belonging to "David Croom", "We need to join together and literally sacrifice our lives to kill any elected democrat elected office holder that is responsible if Kav is not confirmed...people will follow in our footsteps. This needs to turn into a bloodbath war in the streets..."

SHM#

BC

WDC

STATEMENTS OF FACTS CONSTITUTING PROBABLE CAUSE:
Continuation

Several Facebook comments posted by James Royal Patrick, Jr. mentioned "making arrangements" and "coming up with a new plan". The comments included the following statements: "I am about to accept an offer on my house just to get more money to fund my plan to kill democrat office holders and their families." "Arrangements have been made...I will not be coming home...I will kill those I believe are responsible and track down their families and kill them too." During my investigation I learned James Royal Patrick, Jr. had accessed the TripAdvisor app.

On 10/3/2018, a search warrant was obtained for James Royal Patrick, Jr's residence at [REDACTED] Winter Haven, FL. During the search of the residence, I located a black Gigaset computer tablet on the dining room table. When I took possession of the tablet I observed the power was on. Other than the above mentioned cell phone, no other electronic storage devices were taken during the execution of the search warrant. While at the residence, Detectives attempted to access any available Wi-Fi connections using their cell phones. Two active Wi-Fi accounts showed "within range" but they were secured. Post Miranda, James Royal Patrick, Jr. advised the accounts belonged to him. The active Wi-Fi accounts would have allowed the Gigaset computer tablet to access the internet and social media sites.

Your affiant believes that based on the above referenced investigation and on his experience and training herein referenced, that evidence relevant to proving a violation of the felony crime of Written Threats to Kill or do Bodily Injury Furthering Terrorism (F.S.S. 836.10, 775.30 and 775.31) will be contained within the item(s) to be searched.

SHM#

BC

WDS

STATEMENTS OF FACTS CONSTITUTING PROBABLE CAUSE:
Continuation

Intentionally left blank.

SHM#

BC

WDS

INVENTORY AND RECEIPT

*** SEE ATTACHED PROPERTY RECEIPT ***

RETURN

STATE OF FLORIDA
COUNTY OF POLK

Received this Search Warrant on the 12 day of October, 2018,
and executed the same in Polk County, Florida on the 12 day of
October, 2018 by searching the premises described therein and by taking into my
custody the property described in the attached Inventory and Receipt and by having read and delivered a copy of
this Search Warrant and Inventory and Receipt to:

Det. Mark McCray #6711

10/17/2018 | 2:22 PM EDT

LEO: Det. Mark McCray #6711

I, Det. Mark McCray #6711, the officer by whom the Warrant was executed, do swear
that the attached Inventory and Receipt contains a true and detailed account of all of the property taken by me on
said Warrant.

Det. Mark McCray #6711

10/17/2018 | 2:22 PM EDT

LEO: Det. Mark McCray #6711

SWORN TO AND SUBSCRIBED before me on 10/23/2018 | 10:16 AM EDT

Det. J. Wiertel #7701

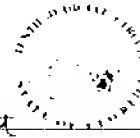
Det. J. Wiertel #7701

WITNESS: LAW ENFORCEMENT OFFICER

RECEIPT OF RETURN

Received this Search Warrant Return on 10/23/2018 | 10:35 AM EDT

Barry Bennett



Barry Bennett

JUDGE